



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.5.1

Request for Council's Consideration		
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by Noon Thursday)	<input type="checkbox"/> Added Item (Submitted to Municipal Clerk's Office by Noon Monday)	<input type="checkbox"/> Request from the Floor
Date of Council Meeting: September 6, 2016		
Subject: Parking Lot Reconstruction Maritime Conservatory of Performing Arts and Maritime Muslim Academy		
Motion for Council to Consider: That Halifax Regional Council direct staff to prepare a report to the Audit and Finance Standing Committee in order to identify a funding source for a special grant for the Parking Lot Reconstruction Maritime Conservatory of Performing Arts and Maritime Muslim Academy, and make a recommendation to Regional Council.		
Reason: For consideration of a special grant.		
Outcome Sought: Staff report		
<i>Councillor Jennifer Watts</i>	<i>District 8</i>	



August 19, 2016

Halifax Regional Council
City Hall, 1841 Argyle Street
PO Box 1749
Halifax, NS, B3J 3A5

Re: Parking Lot Reconstruction Maritime Conservatory of Performing Arts and Maritime Muslim Academy

Attention: IIRM Municipal Clerk,

Please accept this joint submission by Maritime Conservatory of Performing Arts (the "Conservatory") and Maritime Muslim Academy ("MMA") for consideration of a special grant.

We would like to take this opportunity to extend our sincere appreciation to Mr Steve Higgins and Councilor Watts for their assistance in raising attention to our circumstances and moving this project forward within the City.

Attached you will find a document and supporting Appendices jointly prepared by the Conservatory and the MMA. The document outlines the scope of work, associated costs, the request amount, and the associated rationale.

The communities of both the MMA and the Conservatory have been patiently waiting for the completion of the parking lot works. To respect this, and to minimize both liability and the ongoing costs associated with pothole mitigation, the respective management of both organizations have eagerly worked toward the parking lot completion. We also look forward to increasing the visual profile of the neighborhood. As yet another winter approaches, we have an urgency to undertake and complete at least those components of the parking lot that will carry us through the winter and avoid additional pothole mitigation costs and liability potential. Remaining contract works would be undertaken in the spring. As such, your focused attention to this proposal is humbly requested.

Thank you for your assistance with this project.

Sincerely,

Original Signed

Walter Toth, MBA, P.Eng.
Executive Director

Grant Request and Project Information

Applicant Organizations

1. Maritime Conservatory of Performing Arts (the "Conservatory")

Contact person: Walter Toth, MBA, P.Eng., Executive Director

6199 Chebucto Road, Halifax, NS, B3L 1K7

email: [REDACTED]

general: 902-423-6995

direct: [REDACTED]

fax: 902-423-6029

NS Registered Joint Stock Number – Conservatory is not listed with Joint Stocks because the 'Maritime Conservatory of Performing Arts' was created as an Act of Legislature, Bill No. 34 of July 14, 2006 (copy attached in Appendix A)

Federal Charitable Status Number – 84067 2703 RR0001 (copy attached in Appendix A)

Board of Governors

Chair - William Webster

Vice-Chair – vacant

Treasurer - Michael Shellnutt

Members - Ben Durnford, Barbara Dearborn, Olga Milosevich

2. Maritime Muslim Academy ("MMA")

Contact person: Dr. Sameh Hassan

6225 Chebucto Road, Halifax, NS, B3L 1K7

email: [REDACTED]

Cell: [REDACTED]

NS Registered Joint Stock Number – 1592700 (copy attached in Appendix B)

Federal Charitable Status number – 12823 1040 RP001 (copy attached in Appendix B)

Board of Directors

Board Chair – Dr Sameh Hassan

Vice Chair – Omar Khartabil

Secretary - Ivone Guevara

Treasurer - Mohamed Ramadan Ali

MMA Society Chairman - Hany El Nagggar

Recognized Agent - Hadi Salah

Directors – Afrah Kashmer, Walid El Nagggar, Jamal Badawi, Najah Attig, Yasser Mohamed, Yasser El-Azrak

Quotes for the Works

Please find attached as Appendix C, a bid summary comparison sheet as provided by CBCL for the 2015 tendered works, and the bid submitted by Brycon in 2016.

Cost Share

The scope of work is proposed to be equally cost shared between the City, MMA, and the Conservatory. This scope of the work includes the engineering design and tender (paid CBCL invoices found in Appendix D), construction including contingency for subexcavation of soft spots (bid summary found in Appendix C), and associated construction administration/inspection (quotes found in Appendix E). The following sections address the specific details of the cost share and how this equal partnership is the most equitable allocation of cost.

Grant Amount Request

We respectfully submit our request to have the City participate with a total contribution of \$124,195.11.

This amount is broken down as follows (note: the HST has been included as 50% in each item cost before dividing by three, as we are refunded 50% of the HST as a registered not-for-profit organization):

- One third of the total final "Lump Sum" administered cost of works by the low bidder (Brycon Construction) of the 2016 quote process. A contingency for subexcavation of soft spots has been included. This amounts to \$114,923.23 (namely, one third of \$314,769.70).
- One third of the cost already incurred for the engineering and tender process. This amounts to \$6002.08 (namely, one third of \$18,006.25)
- One third of the construction administration/inspection. This amounts to \$3,269.80 (namely, one third of \$9,809.40).

The remaining two thirds of each of these components will be (or already have been in the case of the engineering fees) divided and funded through donations and programming fees of both the Conservatory and MMA.

Project Specifics

The project entails the reconstruction of the parking lot. In general, this would include pavement structure, curb, storm sewers, and associated landscape works. Details of scope and design are included in the engineering drawings and associated tender documents (dated July 10, 2015) found in Appendix F. The estimated duration of works is approximately 6 weeks.

Serving the Citizens of Halifax

This project will positively serve and advance the opportunities for the citizens of Halifax. The parking lot is located in a unique location to facilitate access for the local community to enjoy open green space and in obtaining services related to cultural arts education, academic instruction,

entertainment, religion, daycare, and sports. We are making a request for funding for the reconstruction of this parking lot as it generates considerable value for the local community members and taxpayers.

Specifically, the parking lot provides parking for the community's use of the HRM Chebucto Road Municipal Park, and participation in events and programming at both the MMA and the Conservatory.

While these stakeholders serve different purposes, they are all designed to serve the local and regional community members. Historically, the usage of the parking lot by the respective patrons generally presents minimal challenges as the timing of the parking lot use is typically offset. Consequently, no restrictions are imposed on accessing the parking lot. For instance, community members can access the park from either Chebucto Road or St. Matthias Street, and can park their car at any location in the common parking lot at their discretion at any time of day or night.

Unfortunately, over time the condition of the parking lot has deteriorated severely. Patrons are prone to the hazards of broken asphalt, and potholes. This exposes MMA, the Conservatory, and the City of Halifax to the risk of liability. Fortunately, all parties recognize the need for positive change and are committed to make it a reality.

Funding for the parking lot reconstruction remains a substantial endeavor but both MMA and the Conservatory have sufficient funds available to pay for their allocated share. As such, given the location and use of the parking lot, with appreciation of the assistance of Councilor Watts and Mr. Steve Higgins (former Executive Assistant to the CAO of the HRM), we would like to move forward as a team with the City as an equal partner. To date, the MMA and the Conservatory have undertaken annual winter maintenance (without, and without anticipation of future, City contribution), ongoing pavement mitigation, and the full reconstruction design and tender. Temporary pavement mitigation included grading and placement of clear stone in addition to asphalt skiffs placed to address areas of severe potholes. Engineering design, and tender drawings and documents were prepared and issued in the spring of 2015. Unforeseen building issues for both the MMA and the Conservatory precluded moving forward with the parking lot works at that time.

This project will provide the public, and the immediate surrounding residents, safe and convenient use of a common parking area. Upgrading of this common parking area, from its current run down state, to a state that is safe, clean, and well maintained, will assist to deter unsightly activities that the community frequently experiences in the park, parking lot, and associated properties (suspicious loitering, dumping of household garbage, litter, graffiti, and vandalism). In addition, the current state of the parking lot is a liability for all parties due to the extent and frequency of broken asphalt, potholes, and the general state of disrepair. Temporary maintenance activities are frequent and proving to be increasingly expensive. The aesthetic and functional improvement of the parking lot will assist to enhance the surrounding neighborhood as recently proven by the parking lot and property reconstruction works undertaken by the St Antonio's Antiochian Orthodox Church on the corner of Chebucto Road and Windsor Street. The pending property improvements at the Lebanese Cultural Centre will further beautify the immediate neighborhood. We would like to note that we have been able to be neighborly in our acceptance of overflow parking from these establishments. In addition, we experience frequent after hours parking of neighborhood cars seeking refuge from the municipal overnight winter parking ban which, in the end, impedes our own snow removal activities.

Project Success

Success of the project will be measured directly by the recognition of our respective insurance companies with respect to the liability insurance premiums that are incurred to offset the risk imparted by the current state of the parking lot. The surrounding neighborhood will, as recently experienced with the church redevelopment, receive a much needed facelift. A decrease in the amount and frequency of the unsightly activities that are experienced on the property will be a welcome change. Overall, these aesthetics will have a substantially large positive impact on the look and feel of this tightly knit neighborhood and the tax payers that live within it.

Appendix A



Ms. Ann E. Smith
Burchells LLP
Barristers & Solicitors
Suite 1800
1801 Hollis Street
Halifax NS B3J 3N4

our file number

0285874

FEB 07 2012

Dear Ms. Smith:

Subject: Maritime Conservatory of Performing Arts
Formerly: Maritime Conservatory of Performing
Arts Society – 86894 3754

Thank you for your correspondence informing Canada Revenue Agency (CRA) that the above-noted organization has newly incorporated in the province of Nova Scotia and changed the name of the organization, which we received November 16, 2011. We apologize for the delay in responding.

We have reviewed the Act Respecting The Maritime Conservatory of Music and the Maritime Conservatory of Performing Arts Society and acknowledge that Maritime Conservatory of Performing Arts is now established by virtue of the above-mentioned Act.

Therefore, when you registered/incorporated the organization with the CRA, you in fact obtained the following new registered Business Number (BN) 84067 2703 and corporate program account (RC0001) for the corporation.

As a result, we have formally assigned **Maritime Conservatory of Performing Arts** the following new Charity BN/Registration Number: **84067 2703 RR0001**.

Please ensure that official donation receipts are now issued in the new registered name and BN of the organization as noted above. In addition, please ensure that the Form T3010, *Registered Charity Information Return*, and the financial statements are now submitted under the new registered name and BN of the organization.

.../2



BILL NO. 34

Private Bill

*1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006*

**An Act Respecting
The Maritime Conservatory of Music
and the Maritime Conservatory
of Performing Arts Society**

CHAPTER 11
ACTS OF 2006

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
JULY 14, 2006

Howard Epstein
Halifax Chebucto

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

An Act Respecting
The Maritime Conservatory of Music
and the Maritime Conservatory
of Performing Arts Society

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Maritime Conservatory Reorganization Act*.
- 2 In this Act,
 - (a) "Conservatory" means the corporation incorporated as "The Halifax Conservatory of Music" by Chapter 117 of the Acts of 1952, *An Act to Incorporate The Halifax Conservatory of Music and to Amend Chapter 167 of the Acts of 1921, An Act to Incorporate the Governors of The Halifax Ladies' College and Conservatory of Music*, renamed in 1955 as "The Maritime Conservatory of Music" pursuant to the former *Companies Change of Name Act* and continued as the "Maritime Conservatory of Performing Arts" by Chapter 117 as amended by this Act;
 - (b) "Society" means the Maritime Conservatory of Performing Arts Society incorporated pursuant to the *Societies Act*.
- 3 (1) All the property, assets and undertaking of the Society are vested in the Conservatory.
(2) All the liabilities and obligations of the Society are the liabilities and obligations of the Conservatory.
- 4 The members of the Board of Directors of the Society immediately before the coming into force of this Act constitute the Board of Governors of the Conservatory until their successors as members of the Board of Governors are chosen pursuant to the by-laws of the Conservatory.
- 5 (1) All amendments to the by-laws of the Society are ratified and confirmed and anything done in accordance with the laws and by-laws respecting the Conservatory are as valid and effectual as if it had been done in accordance with the laws and by-laws of the Society.
(2) This Section does not affect the rights acquired by any person from a judgment or order of a court given or made in litigation or proceedings commenced before the coming into force of this Act.
- 6 (1) The Society is dissolved.
(2) A reference in any enactment or document to the Society shall, as regards any subsequent matter, transaction or thing, be held and construed to be a reference to the Conservatory.

7 Sections 5 and 6 of Chapter 117 are repealed and the following Sections substituted:

5 (1) The Halifax Conservatory of Music constituted in 1952 by this Act and renamed in 1955 pursuant to the former *Companies Change of Name Act* is hereby continued as a body corporate under the name "Maritime Conservatory of Performing Arts", hereinafter referred to as the "Conservatory".

(2) The membership of the Conservatory consists of each person who is a member of the Board of Governors as long as that person is a member of the Board.

(3) A reference in any enactment or document to "The Halifax Conservatory of Music" or "The Maritime Conservatory of Music" shall, as regards any subsequent matter, transaction or thing, be held and construed to be a reference to the "Maritime Conservatory of Performing Arts".

(4) No rights, duties, obligations or liabilities of the Conservatory as constituted in 1952 by this Act or as renamed in 1955 pursuant to the former *Companies Change of Name Act* are in any way affected by the change of name made by this Section and those rights, duties and obligations continue to be vested in and are binding upon it under the name "Maritime Conservatory of Performing Arts".

6 The objects of the Conservatory are to provide a comprehensive system of music and dance instruction to students of all ages and levels of ability and equality of education designed to inspire a life-long interest in the arts, whether for personal enjoyment or a professional career.

CHAPTER 117

An Act to Incorporate The Halifax Conservatory of Music and to Amend Chapter 167 of the Acts of 1921, An Act to Incorporate the Governors of The Halifax Ladies' College and Conservatory of Music

(Passed the 25th day of March, A. D. 1952.)

Be it enacted by the Governor and Assembly as follows:

1921, c. 167,
S. 1 am.

1 Section 1 of Chapter 167 of the Acts of 1921, An Act to Incorporate the Governors of The Halifax Ladies' College and Conservatory of Music, is amended by striking out the words "The Governors of The Halifax Ladies' College and Conservatory of Music" in the sixteenth, seventeenth and eighteenth lines thereof and substituting therefor the words "The Halifax Ladies' College".

1921, c. 167,
S. 4 rep. and
subs.

2 Said Chapter 167 is further amended by repealing Section 4 thereof and substituting therefor the following:

4 The Principal for the time being of the College shall be a member ex-officio of the Board.

1921, c. 167,
S. 8 am.

3 Said Chapter 167 is further amended by deleting the words "and Conservatory of Music" wherever they appear in Section 8 thereof.

1921, c. 167
S. 21 and 22
added.

4 Said Chapter 167 is further amended by adding thereto the following sections:

Conveyance to
Halifax Con-
servatory of
Music.

21 The Board may by resolution at any time transfer to The Halifax Conservatory of Music, its successors and assigns, that part of its activities and undertaking associated with the conservatory of music heretofore operated by the Board together with all assets and liabilities connected therewith.

Disposal of
property upon
winding up.

22 If at any time the Board should decide voluntarily to liquidate or dissolve itself or should otherwise

decide wholly and indefinitely to discontinue its operations as a school or college, it shall before so doing transfer and convey all the net balance of its assets after payment of all creditors to The Halifax Conservatory of Music, its successors and assigns.

5 Marjorie Jenkins, Arthur W. Fordham, Clyde Marshall, Harold Vincent, Ifan Williams, George E. Wilson, William A. Winfield, Harold R. Wyman, all of Halifax, in the County of Halifax, and Lillian Piercey of Armdale, in the County of Halifax and such other persons as may hereafter become associated with them and their successors are hereby constituted a body corporate under the name of "The Halifax Conservatory of Music" hereinafter referred to as the "Conservatory". Incorporation.

6 The objects of the Conservatory shall be to promote the study and appreciation of music and related cultural pursuits in Halifax and elsewhere in the Province of Nova Scotia and to take over the operations, activities, assets and liabilities of that portion of the undertaking of The Halifax Ladies' College which has been heretofore known as the Halifax Conservatory of Music. Objects.

7 The Conservatory may, Powers.

(a) acquire, take and hold by purchase, grant, lease, gift, donation, devise, legacy or bequest, real and personal property, including money, and may receive the rents or profits of such property and may invest any money received in such manner as may appear necessary or convenient;

(b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, cheques and other negotiable and transferable instruments;

(c) sell, lease, mortgage or otherwise deal with the whole or any part of its real and personal property in such manner and on such terms and conditions as it may from time to time determine;

(d) teach music, dancing, drama, elocution and such other arts or cultural activities as may conveniently and appropriately be connected therewith and hold or participate in concerts, recitals, exhibitions or other public or private displays or demonstrations of any such arts or activities and generally by any means whatsoever promote and develop the study, appreciation and enjoyment of all or any such arts or activities;

(e) raise money for the purpose of the Conservatory by private or public subscription;

(f) receive, charge, obtain and collect such dues, fees or other charges as it may from time to time determine from pupils, students, members or patrons for or in connection with any activity undertaken by it;

(g) adopt such means of making known the objects of the Conservatory as may seem expedient and in particular by advertising in the press, by circulars and by granting prizes, fellowships, scholarships, rewards and donations;

(h) do all or any of the acts or things stated in the foregoing paragraphs of this Section and in Section 6 either alone or in conjunction with others;

(i) do all such other acts or things as are incidental or conducive to or consequential upon the attainment of the objects and the exercise of the powers of the Conservatory.

By-laws.

8 The Conservatory may from time to time enact, alter, amend or repeal such by-laws as it may deem necessary for the effective administration and management of the Conservatory, the attainment of its objects and the exercise of its powers.

**Board of
Governors.**

9 (1) The management of the Conservatory shall be in a Board of Governors. The number and qualifications of the members of the Board, their powers and duties and the manner and time of their election shall be determined by the by-laws.

(2) The persons named in Section 5 shall constitute the Board of Governors of the Conservatory until a Board is elected at the first meeting of the Conservatory.

10 The first general meeting of the Conservatory shall be held at Halifax within three months of the coming into force of this Act, and may be called by at least seven days' notice in writing of the time and place of holding the same signed by any one of the persons named in Section 5 as incorporators and mailed postage prepaid and addressed to each of the other incorporators. Thereafter the annual and general meetings of the Conservatory shall be held as determined by the by-laws.

11 No member or associate member of the Conservatory or of its Board of Governors or of any Board or other Committee appointed by the Conservatory or its Board shall be personally liable for any debt or liability or obligation of the Conservatory unless he shall have expressly made himself personally liable therefor.

12 If at any time the Conservatory should decide voluntarily to liquidate or dissolve itself or should otherwise decide wholly and indefinitely to discontinue its operation, it shall before so doing transfer and convey all its assets to The Halifax Ladies' College, a body corporate incorporated by Chapter 167 of the Acts of 1921 and amendments thereto.

CHAPTER 118

An Act to Incorporate the Halifax Police Boys' Club

(Passed the 10th day of April, A. D. 1952.)

Be it enacted by the Governor and Assembly as follows:

1 Verdun Mitchell, Arthur Fry, Mrs. Lillian Rafuse, Frank Morrow, Bernard Rogers, William MacDonald and John Wrin, all of Halifax in the County of Halifax and their successors, and such other

Appendix B

[Canada Revenue Agency](#)[Home](#) → [Charities and giving](#) → [Charities Listings](#) → Quick View

MARITIME MUSLIM ACADEMY — Quick View

[Charity's detail page](#)

Status

 Registered

1999-09-01

Reporting periods

Quick View	Full View
▶ 2015-08-31 ◀	2015-08-31
2014-08-31	2014-08-31
2013-08-31	2013-08-31
2012-08-31	2012-08-31
2011-08-31	2011-08-31

Registration no.: 128231040RR0001**Designation:** [Charitable organization](#)**Website:** WWW.MARITIMEMUSLIMACADEMY.CA

Programs and activities:


Ongoing programs:

Religious Daycare/Preschool Elementary and Secondary School Offers Place of Worship for Community

New programs:

[Government Home](#) > [Service NS Home](#) > [Access NS](#) > [Services for Businesses](#) > [Registry of Joint Stock Companies](#) > [Search our Database](#) > [Name Inquiry Results List](#) > ProfileText Size: [A+](#) [A-](#)

Profile

 [Printer Version](#)[New Search](#)[Back to Inquiry Results](#)[Profile Info](#) > [People Info](#) > [Activites Info](#) > [Related Reg's Info](#)

PROFILE - MARITIME MUSLIM ACADEMY - as of: 2016-08-15 09:31 AM

Business/Organization Name:	MARITIME MUSLIM ACADEMY
Registry ID:	1592700
Type:	Society
Nature of Business:	
Status:	Active
Jurisdiction:	Nova Scotia
Registered Office:	6225 CHEBUCTO ROAD BUILDING C Halifax NS Canada B3L 1K7
Mailing Address:	6225 CHEBUCTO ROAD BUILDING C Halifax NS Canada B3L 1K7
Previous Name:	HALIFAX/DARTMOUTH ISLAMIC SCHOOL

PEOPLE

Name	Position	Civic Address	Mailing Address
AFRAH KASHMER	Director	9 HUXLEY CLOSE HALIFAX NS B3M 4H6	
WALID EL NAGGAR	Director	9 HUXLEY CLOSE HALIFAX NS B3M 4H6	
HANY EL NAGGAR	Director	31 ARBOR WAY HAMMONDS PLAINS NS B4B 1L1	
SAMEH HASSAN	Director	38 MATTHEW DRIVE HAMMONDS PLAINS NS B4B 1T8	
JAMAL BADAWI	Director	9 LAUREL LANE HALIFAX NS B3M 2P6	
OMAR KHARTABIL	Director	11 ROCHDALE PLACE	

		BEDFORD NS B4A 0A7	
NAJAH ATTIG	Director	962 BRUSSELS STREET HALIFAX NS B3H 2T1	
MOHAMED RAMADAN ALI	Director	1003 - 50 GRANDHAVEN BLVD HALIFAX NS B3S 0H5	
YASSER MOHAMED	Director	21 ROCHDALE PLACE BEDFORD NS B4A 0A7	
YASSER EL-AZRAK	Director	298 BENTLY DRIVE HALIFAX NS B3S 0A8	
HADI SALAH	Director	16 - 85 WESTGROVE PLACE HALIFAX NS B3M 3L7	
IVONE GUEVARA	Director	70 MERIDIAN COURT DARTMOUTH NS B2W 0A1	
IVONE GUEVARA	SECRETARY	70 MERIDIAN COURT DARTMOUTH NS B2W 0A1	
SAMEH HASSAN	BOARD CHAIRMAN & VICE CHAIR OF MMA	38 MATTHEW DRIVE HAMMONDS PLAINS NS B4B 1T8	
OMAR KHARTABIL	VICE CHAIRMAN	11 ROCHDALE PLACE BEDFORD NS B4A 0A7	
MOHAMED RAMADAN ALI	TREASURER	1003 - 50 GRANDHAVEN BLVD HALIFAX NS B3S 0H5	
HANY EL NAGGAR	MMA SOCIETY CHAIRMAN	31 ARBOR WAY HAMMONDS PLAINS NS B4B 1L1	
Hadi Salah	Recognized Agent	6225 Chebucto Road Halifax NS B3L 1K7	6225 CHEBUCTO ROAD HALIFAX NS B3L 1K7

ACTIVITIES

Activity	Date
Change of Directors	2016-07-04
Change of Directors	2016-01-08
Annual Renewal	2015-12-09
Filed Financial Statement	2015-11-02
Annual Statement Filed	2015-11-02
Filed Financial Statement	2015-11-02
Reactivated	2015-11-02
Filed Financial Statement	2015-11-02
Default for Non-Payment	2015-10-06
Annual Statement Filed	2014-07-15
Annual Renewal	2014-07-15
Annual Renewal	2013-09-20